

STATE OF SOUTH CAROLINA

FILED
005/27/15

256748 SA

(Caption of Case)

Petition of South Carolina Electric & Gas Company
for Updates and Revisions to Schedules Related to
the Construction of a Nuclear Base Load Generation
Facility at Jenkinsville, South Carolina

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2015 - 103 - E

(Please type or print)

Submitted by: Belton ZeiglerSC Bar Number: 5754Address: Womble Carlyle Sandridge & Rice LLPTelephone: 803.454.65041727 Hampton St

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition☐ Request for item to be placed on Commission's Agenda expeditiously☐ Other: _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input checked="" type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input checked="" type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

Print Form

Reset Form

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MAY 26 PM 4:11
PUBLIC SERVICE

May 26, 2015

VIA HAND DELIVERY

The Honorable Jocelyn G. Boyd
Chief Clerk/Administrator
Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

RE: Petition of South Carolina Electric & Gas Company for Updates and Revisions to Schedules Related to the Construction of a Nuclear Base Load Generation Facility at Jenkinsville, South Carolina
Docket No. 2015-103-E

Dear Ms. Boyd:

South Carolina Electric & Gas Company ("SCE&G") is hereby filing with the Public Service Commission of South Carolina ("Commission") one (1) copy of the direct testimony and exhibits of the following SCE&G witnesses in the above-referenced docket.

1. Kevin B. Marsh (public version of direct testimony only)
2. Stephen A. Byrne (public version of direct testimony and exhibits only)
3. Ronald A. Jones (public version of direct testimony and exhibits only)
4. Joseph M. Lynch (public version of direct testimony and exhibit only)
5. Carlette L. Walker (public version of direct testimony and public and confidential versions of exhibits)

We are also enclosing a compact disc which contains an electronic version of the public version of SCE&G's direct testimony and exhibits for uploading to the Commission's Docket Management System.

As stated above, Ms. Walker is the only SCE&G witness with confidential information contained within certain exhibits attached to her direct testimony. As a result, SCE&G is filing both confidential and public versions of her exhibits. The confidential versions of her exhibits contains confidential information related to the pricing and pricing terms of the Engineering, Procurement and Construction Agreement ("EPC Contract") between SCE&G and a consortium consisting of Westinghouse Electric Company, LLC and Chicago Bridge & Iron. (together, "Contractor"). The EPC Contract contains confidentiality provisions that require SCE&G to protect proprietary information that the Contractor believes to constitute trade secrets and to be commercially sensitive. The exhibits to Ms. Walker's direct testimony containing confidential

information are as follows: Exhibit No. ____ (CLW-1-C), Exhibit No. ____ (CLW-4-C), Exhibit No. ____ (CLW-5-C), Exhibit No. ____ (CLW-6-C), and Exhibit No. ____ (CLW-7-C). The Contractor has requested that SCE&G maintain the confidentiality of certain information contained in the testimony and exhibits. In each case, the confidential information has been redacted from the public versions of the exhibits, and the exhibits containing the confidential information have been marked as "Confidential."

In keeping with the Contractor's request and the terms of the EPC Contract, SCE&G respectfully requests that the Commission find that Exhibit No. ____ (CLW-1-C), Exhibit No. ____ (CLW-4-C), Exhibit No. ____ (CLW-5-C), Exhibit No. ____ (CLW-6-C), and Exhibit No. ____ (CLW-7-C) contain protected information and issue a protective order barring the disclosure of the documents under the Freedom of Information Act, S.C. Code Ann. §§ 30-4-10 *et seq.*, S.C. Code Ann. Regs. 103-804(S)(1), or any other provision of law, except in its public form. Pursuant to 10 S.C. Code Regs. 103-804(S)(2), the determination of whether a document may be exempt from disclosure is within the Commission's discretion. Such a ruling in this instance would be consistent with the Commission's prior rulings. *See, e.g.*, Docket Nos. 2008-196-E, 2009-293-E, 2010-157-E, 2010-376-E, 2012-186-E, and 2012-203-E (ruling the pricing and pricing terms of the EPC Contract to be confidential and issuing a protective order barring the disclosure of this information).

To this end, and in accordance with Commission Order No. 2005-226, dated May 6, 2005, in Docket No. 2005-83-A, we enclose with this letter redacted Public Versions of the direct testimony and exhibits specified above, which protects from disclosure the sensitive, proprietary and commercially valuable information, while making available for public viewing non-protected information.

Moreover, we also enclose a copy of the unredacted Confidential Versions of the following in a separate, sealed envelope.

- (1) A true and correct copy of the Confidential Version of Exhibit No. ____ (CLW-1-C), in a sealed envelope marked "CONFIDENTIAL." Each page of the Exhibit is marked "CONFIDENTIAL."
- (2) A true and correct copy of the Confidential Version of Exhibit No. ____ (CLW-4-C), in a sealed envelope marked "CONFIDENTIAL." Each page of the Exhibit is marked "CONFIDENTIAL."
- (3) A true and correct copy of the Confidential Version of Exhibit No. ____ (CLW-5-C), in a sealed envelope marked "CONFIDENTIAL." Each page of the Exhibit is marked "CONFIDENTIAL."
- (4) A true and correct copy of the Confidential Version of Exhibit No. ____ (CLW-6-C), in a sealed envelope marked "CONFIDENTIAL." Each page of the Exhibit is marked "CONFIDENTIAL."

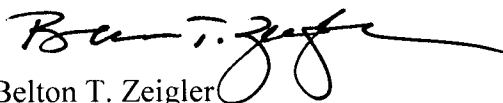
- (5) A true and correct copy of the Confidential Version of Exhibit No. ____ (CLW-7-C), in a sealed envelope marked "CONFIDENTIAL." Each page of the Exhibit is marked "CONFIDENTIAL."

SCE&G respectfully requests, in the event that anyone should seek disclosure of the unredacted Confidential Versions of the above-referenced exhibits, that the Commission notify SCE&G of such request and provide it and the Contractor with an opportunity to obtain an order from this Commission or a court of competent jurisdiction protecting the Confidential Version of these documents from disclosure.

By copy of this letter, we are also serving the other parties of record with a copy of the public versions of testimony and exhibits and attach a certificate of service to that effect.

If you have any questions regarding these matters, please do not hesitate to contact us.

Very truly yours,
**WOMBLE CARLYLE SANDRIDGE &
RICE A Limited Liability Partnership**


Belton T. Zeigler

KCB/kms
Enclosures

cc: M. Anthony James (via hand delivery)
Jeffrey M. Nelson, Esquire (via hand delivery)
Shannon Bowyer Hudson, Esquire (via hand delivery)
Charles L.A. Terreni, Esquire (via U.S. First-Class Mail)
Damon E. Xenopoulos, Esquire (via U.S. First-Class Mail)
Robert Guild, Esquire (via U.S. First-Class Mail)
Scott Elliott, Esquire (via U.S. First-Class Mail)